



King County

Ron Sims
King County Executive

CHARTER REVIEW COMMISSION

Mark Yango
Charter Review Coordinator

701 Fifth Avenue, Suite 3210
Seattle, Washington 98104

King County Charter Review Commission
Meeting Minutes – February 26, 2008
Chinook Bldg., 5:00pm-7:30pm

The meeting of the King County Charter Review Commission was called to order by co-chair Mike Lowry at 5:08 p.m.

Commission members in attendance:

Mike Lowry, Co-chair
Lois North, Co-chair
Trisha Bennett
Jim English
Dan Gandara
Bryan Glynn
Darcy Goodman
John Groen
Kirsten Haugen
Tara Jo Heinecke
Gregg Hirakawa
John Jensen
Terry Lavender
Gary Long
Sharon Maeda
Allan Munro
Sarah Rindlaub
Mike Wilkins
James Williams

Absent:

Juan Bocanegra
Doreen Cato

Staff:

Mark Yango, Charter Review Coordinator
Corrie Watterson Bryant, Project Manager, Charter Review Commission
Charlotte Ohashi, Administrative Assistant, Charter Review Commission

Council and PAO Staff:

Ross Baker, Chief of Staff, King County Council

Rebecha Cusack, Legislative Lead Analyst, King County Council

Mike Sinsky, Prosecuting Attorney's Office

Pete Ramels, Prosecuting Attorney's Office

Nick Wagner, Principal Legislative Analyst, King County Council

Grace Reamer, Chief of Staff, Legislative District #3, Kathy Lambert

Bob Burns, Deputy Director, Dept. of Natural Resources and Parks

1. Opening Remarks and Introductions

Co-chair, Mike Lowry called the meeting to order at 5:08 pm. Minutes from January 29, was not available and will be emailed at a later date for review. Mark Yango asked the commissioners to fill out and complete the annual financial disclosure statements and hand in to Char Ohashi at the end of the meeting.

2. Briefing on Report

Mark Yango briefed the commissioners on the report outline and public comment period. The report will consist of all the issues, summaries, and briefing that the commission has been dealing with and will be sent to the council. Mark presented the proposed timelines for the report and commented that there will be 3 reports:

- Public draft report consisting of about 25-30 pages and would be somewhat of an executive summary with background and history, priority of issues being brought forward to council as amendments, issues considered but not brought forward or no action recommendations.
- Public final report will incorporate public feedback from the outreach meetings.
- Final report being sent to council will consist of about 100 pages and will include appendices and briefing papers.

In looking at the calendar, Mark advised that there will be another full commission meeting on April 22, 2008 to talk about the public comments and an Ad Hoc committee meeting has been added by Mike Lowry, on April 24, to consist of selected commissioners to review the amendments to ensure that the documents are sound, conforms with other affected parts of the charter and legally tight. The last full commission meeting will be on April 29.

Public outreach meetings

- 4 outreach meetings have been set: Renton, West Seattle, Issaquah, Shoreline
- Would like to see at least 5-6 commissioners attend each meeting and please let Mark know if you have an interest in chairing any of the meeting and which ones.
- Communications plan for the outreach meetings will be mostly news outlets. There will be no mailers except to the list of those who attended the last public meetings. The commission is asked to do Op Eds for the Seattle Times and/or community newspapers. Also plan to have some of the report translated to Mandarin and Spanish and will try to have KCTV film 2 of the meetings.

3. Subcommittee Issues – 1st discussion

Governmental Structure Subcommittee:

- **Elections Division Timeline:** Should the deadline set forth in the charter for submitting county referendum, initiatives and charter amendments be amended. This issue was raised by the elections division who propose to revise the deadlines to match state law which would provide more time for the division to prepare the ballot. The current deadline is 45 days for preparation. The state has 84 days for preparation.

Subcommittee recommendation: Recommends amending the charter's petition deadlines, removing the existing deadlines and instead refer to deadlines established by ordinance. Legal counsel advises that if the amendment is passed by the citizens, council will have to promptly adopt an ordinance setting new deadlines.

The vote in the subcommittee was 7 to 2. The opposing votes were because there was some concern about having the council sets timelines which the wording seems to allow a timeline would be set for each petition. If that's the case then the concern was that each petition would not be treated equally. There was not a set timeline directive in the recommendation.

Suggested that the wording be clarified when action on the recommendation is taken at the next meeting.

- **Clarifying the CRC Appointment/Confirmation Process:** This will be a technical amendment. Should the commission clarify the appointment process and confirmation for the charter review commission.

Subcommittee recommendation: Asked that the PAO submit language clarifying the appointment and confirmation process. Suggested draft language was reviewed by the commission.

Some discussion ensued with Rebecha Cusack clarifying some points from the council perspective.

Regional Governance Subcommittee

- **Sheriff's Proposed Amendments:** The proposal had 5 separate issues: 1) establish the Office of sheriff; 2) identify the sheriff as the chief peace office in the county; 3) eliminate the reference to the sheriff's office as an executive department; 4) place the sheriff's office personnel under the sheriff; 5) eliminate the reference to the Department of Public Safety to the Sheriff's Office.

The subcommittee decided to put aside 4 of the 5 proposal and deliberate on collective bargaining. The subcommittee recommends charter language that doesn't give power or authority to the sheriff for collective bargaining but includes emphasis on letting elected officials have participation in collective bargaining. It was thought to be a reasonable compromise

between the sheriff's role and the Blue Ribbon Panel recommendations but keep the powers vested in the executive where it's thought it should stay.

Discussion: Bryan Glynn explained this is a proposed amendment to Section 890 which deals with employee representation. The current language allows the council to enact by ordinance rules or procedures for the operations of collective bargaining. As one of its substantive terms it states that any such ordinance shall designate the county executive as the bargaining agent of the county.

The subcommittee recommends that such ordinances be made mandatory by replacing the word "may" with "shall" and adding language that "*the council shall by ordinance provide for the effective participation in bargaining of those separately elected officials who head departments or agencies of the charter*"..... This speaks to all elected officials that head agencies of the charter and not just the sheriff. It was felt that this addresses appropriate independence and authority of people the public has chosen to make them elected officials. To proceed by ordinance seems to give the flexibility to change and adjust as circumstances change.

The subcommittee also felt that the issues involved in collective bargaining are closely interwoven with all agencies, elected or appointed, that there needs to be a single, central focal bargaining agent. The Prosecuting Attorney's office is not a charter department. It is governed by state law. This amendment would affect only the sheriff, the assessor, and the perhaps the director of elections if that should become a separately elected position under the charter.

Some discussion on the other 4 proposals of the sheriff's and the Civil Service Commission.

- Budget Timeline: Both the executive and council agree that the budget timelines should be in excess of the current 45 days but question is how days it should be. The executive has proposed 60 days and the council proposed 70days, so the committee split the difference and is proposing 65 days.

The committee also looked at the possibility of a biennial cycle that has been talked about from time to time by the county especially with the budget becoming bigger and more complicated.

Procedural question from Mike Lowry on the process for introducing additional amendments for presentation on an issue that has already had a 1st discussion. The procedural rules that were adopted do not address this. Although, previous discussion on amendment procedures were that presentation of amendments could happen after the public meetings. There will be 2 meetings in which to vet-out issues if the group feels amendments should happen.

- Regional Committees: The subcommittee convened an Ad Hoc Stakeholders' Work Group headed by Gary Long and Mike Wilkins and invited representatives from sewer districts, City of Seattle, City of Bellevue, suburban cities associations, and KC council. The conclusions that the group came to were on major recommendations are:
 - Reduce the county councilmembers participation on the committees from 6 members to 3 members but retaining 2 votes each leaving the 50/50 equation intact. The vote equation was important to the council and they were willing to make other concessions, i.e. instead of a councilmember acting as sole chair, they would be agreeable to a co-chair governance with a county council designee and a

designee selected by the other members of the committee. This may require some implementation ordinance on this. The ordinance would give some definition to how these committees would operate particularly with co-chairs which may open the door to possibility of conflicts without a conflict resolution mechanism built into the charter.

- The issue of representation from Snohomish County on the committee was discussed and decided that Snohomish County would be allowed non-voting representation on the committee as there may be some other legal implications for sewer districts served outside the metro boundary if Snohomish is added to the advisory body with a vote.
- The issue of work programs of whether the council initiates them or they are initiated by the committee was solved by assigning that to the committees so long as the work items are within the purview of the committee.
- Allowing committees to initiate legislation – motions and/or ordinances - including ones not assigned to the committee by the council.
- Requiring the county council to act on proposals that are brought forward from the committees to the council.

There was no consensus on whether Bellevue should have its own seat. The issue was debated and not resolved. Letters were received that outlines a proposal to change the voting formula as affects voting membership for cities. The current formula is 2 votes to Seattle and 4 votes to all of the other cities allocated in a block by suburban cities association as split ½ votes. Bellevue proposes a population formula that looks at the proportion of non-Seattle incorporated population that each city has and when the city reaches a portion that is 1/8 total of non-Seattle incorporated population, they would be entitled to exercise their own discreet fraction of a vote.

The decision by the Ad Hoc group was that since the proposal was so late in coming it was felt that it was beyond the scope of what the committee and the full commission can deal with at this time and it may cause changes.

Subcommittee Recommendation: to move forward with all the recommendations assuming the implementing ordinance can be completed and agreed to by the parties in the next couple of weeks. Also recommending that the letter from Bellevue and Seattle be attached to the report so that there is a record of another alternative that should possibly be considered sometime in the future.

Rural/Local Subcommittee

- Contracting: Did not make it out of subcommittee. It will not be coming forward.
- Open Space Amendment: Terry Lavender did a presentation showing the group the proposed property that's included in the amendment. The purpose of the amendment is to take a look at all the property already owned by King County to extend the same level of protection that currently exists on Farmlands Preservation, to the forest resource base lands and ecological lands. This will give KC a sustainable land base and a guarantee that these properties will remain rural and continue to have that diverse land base in KC, hopefully permanently. The amendment to the charter will basically add an inventory of the 106,000 acres with that high level of protection and there are exceptions to allow government to have flexibility.

After considerable discussion and debate in the subcommittee, the subcommittee proposes the language as presented be used in the amendment with an appendix added to the charter listing the properties probably with full parcel descriptions and number of acres included.

Each of the properties listed are protected by the funding source that purchased them. Each of the funding sources has some deed restrictions placed on the property and in general the funding sources are from different environmental groups. These funding sources allows the entity that owns the property – in this case, King County – to trade out or sell the property as long as they replace it with like property. The amendment would not change any other way the county uses the property but would prohibit the county from divesting of the property without going to a vote of the people.

There is a feeling that the charter, under our state constitution, is described as an organic law. It's the vehicle that establishes the body of politics. It's the vehicle that describes the form of government. It is not the vehicle that goes about implementation. Implementation happens through ordinances and implementation through the executive's office. The amendment deals with the handling of particular pieces of property and that should be the subject of ordinances and not included in the charter.

John Groen presented the commission with a memo that describes his objection to the amendment. This same memo was given to the subcommittee for deliberation. He proposes to delete the first sentence of the proposal and replace it with a sentence that would have the council enact an ordinance that would establish an inventory of high conservation value properties rather than including a specific list in the charter. Then to have the assurance of a greater level of protection, he proposed adding another sentence at the very end of the other language which asks for 2/3 majority votes from the council for any subsequent proposed amendments. He feels this way the charter will establish the direction but the implementation is through the normal legislative process.

There was a suggestion to add to the vote language that it would require a majority to add properties but a super-majority to remove any properties.

Bob Burns, Deputy Director of the Department of Natural Resources and Parks, clarified that the list submitted was gathered by his department but it only reflects about ½ of the properties owned in fee but are considered high conservation value, irreplaceable, premium, natural resource lands.

The amendment is purely a proactive legislation to ensure that the property bought indeed survives us by using best forest practices and development. It's erring on the side of caution.

- Preamble amendment and Unincorporated Sr. Official for Rural Affairs: The suggested changes comes from long standing concerns of rural and urban unincorporated area residents' representation and governance of their areas.

Subcommittee recommendation: after looking at a wide range of possible solutions to the concern, the subcommittee suggests on changing the language in the preamble and the appointment of a new high level position in the executive's office dedicated to rural affairs. This suggestion is being offered as an amendment package to move forward.

The suggested language changes to the preamble would read: *We, the people of King County,insure responsibility and accountability for local and regional county governance and services, enable effective citizen participation, preserve a healthy urban and rural environment and economy.....*

No discussion on the preamble.

In hopes to further address the long-standing concerns of governance and representation, the subcommittee suggests the appointment of a senior official for rural and urban unincorporated affairs in the executive's office. The amendment calls for the council to be responsible in almost an oversight function. Language brought forward by the executive would read as follows:

#1

The council shall designate within the administrative offices or executive departments, a structure or structures with the powers and responsibility to serve urban unincorporated and rural unincorporated king county.

#2

The executive shall designate within the office of the executive a senior official with primary responsibility for the communication with and provision of service for urban unincorporated and rural unincorporated king county.

General language on how the position would look:

The position must be at a level reporting directly to the executive and the position "speaks" within its scope with the authority of the executive.

An extensive discussion on the position and the concerns of the unincorporated areas ensued. There is not a person on the executive side dedicated to unincorporated issues but the council does have David Spohr who is the Rural Ombudsman. The amendment was left in broad terms for the purpose of it being able to change with the times and whomever may be in office. It was suggested that to make it clear that the position is an oversight position, the wording be changed to: and oversight of provisional service for.....

There was a feeling that this amendment was staff direction and probably not appropriate for the charter. It was rebutted that rather than this amendment being a staffing direction in the charter, it's viewed as a responsibility for the county to provide this service to it's citizens. There is no such direction in the charter right now. It was suggested that the language for the preamble and the language for the senior official be combined into one amendment. However, it's not clear if this would be one subject area. The test would be rational unity and the preamble seems to be a broader scope than the specifics of the position.

4. 2nd Discussion Subcommittee Issues (roll-call vote)

Governmental Structure Subcommittee

- Charter Amendment by Initiative: To recap – should the charter establish a procedure for charter amendment by initiative and, if so, what is the signature threshold. Currently the charter authorizes only the King County council to place proposed charter

amendments on the ballot. However, due to the recent decision by the Supreme Court allowing amendments by citizens' initiative, the charter does not provide clear directions and procedures for charter amendments by citizens' initiative and the current signature threshold is 10% of votes cast in the last King County executive election.

Subcommittee recommendation: Believes the current threshold is too low and suggests it be increased to 20% of votes cast in the last KC executive election.

No further discussions.

MOTION: To amend Section 800.20 with the proposed language in order to ensure that the King County charter is consistent with and clear in the implementation of the State Supreme Court ruling allowing citizens to amend the charter by initiative, setting the signature threshold at 20% of votes cast in the last KC executive election.

Roll call vote was taken: Motion Passes Yes: 17 No: 1 Absent: 3

- Charter Review Process – Electing the Charter Review Commissioners: To recap – should charter review commissioners be elected or appointed to the commission. Through different comment arenas, the feeling is that the commission recommendations go straight to the ballot and one major issue was that council did not have to take action on any of the substantive amendments coming from the commission. An option discussed was having the commission elected with proposed amendments going straight to the ballot.

Subcommittee recommendation: The vote in subcommittee on amendments going straight to the voters resulted in a 4-4 tie but agreed to pass the issue onto the full commission for discussion.

Since there wasn't a firm recommendation on the issue, a motion would need to be put on the floor.

MOTION: To amend the charter that the charter review commission be elected by county council district with government public funding as allowed by state law and commission recommendations shall go straight to the voters. Motion is seconded.

Amendment by Dan G.: include that there will be 2 representatives elected from each council district. No second to the amendment. Amendment fails.

Further discussion on pros and cons ensued with legal clarification on the proposed motion and legislative authority.

Suggested that language be inserted to read: that section 800 in the charter be amended to include language requiring the county council to vote on all recommended amendments brought forward by the charter review commission. Action on this suggestion can be taken at the next meeting. PAO to get correct language.

Roll-call vote was taken: Motion fails Yes: 6 No: 12 Absent: 3

- Qualification for Assessor and Elections Director: Recap - should qualifications be established by ordinance for offices of assessor and/or elections director. Providing qualification for the positions would hold the offices to a higher level of transparency and accountability and ensures that the right person is in the position whether elected or appointed.

Subcommittee recommendation: Recommends change in language according to Option 1 which amends 340.50 and Section 630

MOTION: To amend 340.50 Qualifications. The county administrative officer and the chief officers appointed by either the county executive or the county administrative officer shall be appointed on the basis of their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they shall be appointed. Additional qualifications for the manager of the elections division may be established by ordinance.

To amend Section 630 Qualifications. Each county officer holding an elective office shall be, at the time of his appointment or election and at all times while he holds office, at least twenty-one years of age, a citizen of the United States and a resident and registered voter of King County; and each councilman shall be a resident of the district which he represents. Any change in the boundaries of a councilman's district which shall cause him to be no longer a resident of the district which he represents shall not disqualify him from holding office during the remainder of the term for which he was elected or appointed. Additional qualifications of the office of sheriff, office of the assessor, or the director of elections, may be established by ordinance.

Roll-call vote taken: Motion passes Vote: Yes: 18 No: 0 Absent: 3

- Elected/Appointed Positions: Recap – Should the positions of Elections Director, Assessor and Sheriff be appointed or elected:

Subcommittee recommendation: Recommends to the full commission to maintain the status quo for the positions of Assessor and Sheriff, leaving each of the positions as an elected position. For the position of the elections director, given that Initiative 25 goes before the voters in November 2008, the subcommittee recommends the full commission take no position in the case of the elections director.

No discussion.

MOTION: To follow the recommendation of the subcommittee.

Roll-call vote taken: Motion passes Vote: Yes: 16 No: 0 Abstain: 2
Absent: 3

- Instant Run-off Voting: Recap – Should the voting practice of Instant Runoff Voting be implemented in King County.

Subcommittee recommendation: Recommends that the full commission encourage King County to monitor Pierce County's progress to see how effective the new system is and to revisit this issue in a later year.

Decision: Recommendation language will go into the report with background on research and analysis done by the subcommittee.

No vote taken.

- Partisanship/Nonpartisanship: Recap – Should the county's elective offices of the King County Executive, King County Council, and King County Assessor be nonpartisan.

Subcommittee recommendation: Recommends that the full commission not take a position on the issue of partisanship/nonpartisanship.

Decision: Recommendation language will go into the report with background on research and analysis done by the subcommittee.

No vote taken.

Regional Governance Subcommittee

- Budget Allotment Requirements: Recap – should the charter be amended to remove Section 475, which requires agencies to present work programs and requested allotments each quarter. This would be a technical amendment.

Decision: this is a consent item as all parties agree with it unanimously. No vote needed.

- Sexual Orientation Language: Recap – should the charter be amended to add sexual orientation to the anti-discrimination provision of the charter. This would change Section 840.

Subcommittee recommendation: to amend Section 840 to prohibit discrimination on the basis of sexual orientation according to language changes recommended.

MOTION: To follow the recommendation of the subcommittee.

Roll-call vote taken: Motion passes Vote: Yes: 18 No: 0 Absent: 3

- King County Library System: Recap – The KCLS has voiced concerns about it's current governance and operations structure and has asked that the county become more engaged to affect changes to improve the system. It's felt that the charter may not be the appropriate means to make those changes but it was agreed that the issues may warrant action to address some primary problems.

Subcommittee recommendations: Recommends that letters be sent to the parties that can implement improvements to the system: KC Council, KC Executive, and KCLS Board of Trustees.

MOTION: To follow the recommendation of the subcommittee.

Roll-call vote taken: Motion passes Vote: Yes: 16 No: 2 Absent: 3

- Transitory Provisions: Recap – This is a housekeeping amendment to remove all of Article 9, with the exception of the last two sentences of Section 990 that reference ordinances, resolutions, and other official actions that are in effect. Should the charter also be amended to remove Section 350.20.30.

Subcommittee recommendations: Recommends that the charter be amended to strike Article 9 with the exception of the last two sentences in Section 990, which would be retained and amended to reference the relevant charter effective date, and it is further recommended that Section 350.20.30 be stricken in its entirety.

MOTION: To follow the recommendation of the subcommittee.

Roll-call vote taken: Motion passes Vote: Yes: 18 No: 0 Absent: 3

Next Meeting: Tuesday, March 25, 2008

Additional Meeting: Tuesday, April 22, 2008

March meetings will be used for discussion of the issues and the 2 April meetings will be used for discussing the public comments, if any, prioritizing the final recommendations, if needed.

Co-chair Mike Lowry adjourned the meeting.

Respectfully submitted by Charlotte Ohashi